



**Written Statement of
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**Before the
U.S. House of Representatives
House Committee on Energy and Commerce's
Subcommittee on Environment and Climate Change
Regarding a Hearing Titled
"Ban Asbestos Now: Taking Action to Save Lives and Livelihoods"
May 8, 2019**

**American Chemistry Council
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Washington, D.C. 20002**

**TESTIMONY OF MICHAEL P. WALLS
ON BEHALF OF THE
AMERICAN CHEMISTRY COUNCIL**

Chairman Tonko, Ranking Member Shimkus, and members of the Subcommittee: I am Mike Walls, the Vice President for Regulatory and Technical Affairs at the American Chemistry Council. I was the chemical industry's principal technical representative in the discussions that resulted in the 2016 amendments to the Toxic Substances Control Act (TSCA). I am here today to reinforce our industry's commitment to the full and effective implementation of the 2016 TSCA amendments.

Passage of the 2016 amendments to TSCA was an overwhelmingly bipartisan achievement. In those amendments, Congress established a process to reinforce public confidence in EPA's assessment of new and existing chemicals, requiring that the Agency have sufficient information to make an affirmative regulatory decision on chemicals, in an open and transparent way. A key element of the amendments was a requirement that EPA systematically evaluate the risks of high priority chemicals and regulate their uses when necessary, subject to strict deadlines for action.

In December 2016, EPA designated asbestos as one of the first 10 chemicals for risk evaluation under the 2016 amendments. The draft of that assessment is expected to be released for public comment later this year. The deadline for the final assessment is December 2019, unless extended for no more than 6 months. Under the terms of the 2016 amendments, EPA must conduct a risk evaluation, taking into account both hazards and the risks of exposures under specific conditions of use. EPA must then regulate to ensure that any unreasonable risks to human health or the environment are managed appropriately.

The commitment our industry has to the effective and efficient implementation of the 2016 amendments is, in part, reflected in the fact that ACC member companies have provided EPA with information specific to asbestos use in chlor-alkali production. That information includes information on the transportation, use, and disposal of asbestos in that condition of use, including exposure information. ACC member companies' use of asbestos in the production of chlorine is highly regulated, and controlled to prevent exposures to humans and the environment. The requirements include a specific National Emissions Standard for Hazardous Air Pollutants (NESHAP) rule.

One-third of total U.S. production of chlorine and sodium hydroxide relies upon closed-system chrysotile asbestos diaphragms cells that separate the chlorine from the sodium hydroxide while remaining contained in the cell. Human exposures are prevented by the rigorous use of personal protective equipment (PPE), as well as appropriate engineering controls, maintenance, and rigorous training. Federal regulations mandate specific requirements for the disposal of spent asbestos diaphragms.

Chlorine is essential to ensuring access to safe drinking water for millions of American families, lifesaving healthcare and pharmaceutical products, energy resources like solar panels and wind turbines, and much more. A blanket ban that includes the chlor-alkali industry's use of asbestos

would have a significant impact on the supply of chlorine, which could in turn jeopardize public health and increase prices for a wide range of vital consumer goods.

To be clear, ACC believes that EPA's ongoing risk evaluation properly includes the use of asbestos in chlorine production. In our view, however, that use is and will continue to be appropriately controlled to ensure that it does not pose an unreasonable risk to human health or the environment. Notably, in 1989 EPA recognized that a ban on the use of asbestos in chlorine production was not appropriate given the strong regulation and comprehensive handling procedures applied in the industry.

ACC opposes H.R. 1603 because it would set an unfortunate precedent for legislating risk management actions on substances subject to TSCA. Imposition of a blanket ban on asbestos use without the benefit of EPA's anticipated risk evaluation, and without the benefit of information on risk management measures appropriate to conditions of use like chlorine production, undermines the process that was the basis of Congress' bipartisan agreement in 2016.

Thank you for the opportunity to provide this testimony. I look forward to your questions.